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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/815,304	03/31/2004	Jason M. Mayeroff	MAYEROFF04-01	7276

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EXAMINER	
TORIMIRO, ADETOKUNBO OLUSEGUN	
ART UNIT	PAPER NUMBER
3714	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/11/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

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Office Action Summary	Application No.	Applicant(s)	
	10/815,304	MAYEROFF, JASON M.	
	Examiner	Art Unit	
	Adetokunbo O. Torimiro	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-18* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *03/31/2004* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: **fig.1, ref. no. 24 and 32; fig.4, ref. nos. 20 and 24;** and **fig.5, ref. nos. 24**.

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "12" and "16" have both been used to designate "the processor" in page 10, line 9.

Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

3. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: -- Gaming device and method of displaying a changeable bonus value feature --.

Claim Objections

4. Claims 1,14,16, and 18 are objected to because of the following informalities:

Claim 1, line 12: this claim contains two sentences, which is more than one sentence. Claims should consist only one sentence.

Claims 14 and 16, line 2: "a bonus award" should be -- the bonus award --.

Claim 18, line 7: "a bonus award" should be -- the bonus award --.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claim 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Re claim 13: the claim recites the limitation "the player" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1,9,17, and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Demar et al (US 6,203,429).

Re claim 1: Demar et al discloses a gaming device (10) comprising: a housing **(see fig.1; col.5, lines 23-25)**; a primary game display **(12)**; a computer processor configured to randomly select and display winning and losing outcomes as said display **(see col.4, lines 63-67 and col.5, lines 1-6)**; a bonus selection apparatus including a depiction of a three-dimensional object, or a two-dimensional object such as a disc or wheel, having a plurality of surface elements **(see col.5, lines 43-48)**, each of said elements configured to present a display (32) of a bonus award; said surface elements configured with some kind of display technology, such as video or LED indicators, that allow said bonus awards to change upon game conditions **(see col.5, lines 21-22)**; said processor configured to control said bonus apparatus to depict said object moving to select and display a surface element and the bonus award thereof **(see col.6, lines 24-29) It is apparent to examiner that said processor can be processed using the processor to depict any object depending on what kind of invention is made**; and means for the device to issue the bonus award **(see col.16, lines 44-46) It is apparent to examiner that there has to be a**

means for bonus awards to be issued out to the winner so has to make the game worth playing. Claim 1 invokes the 35 USC 112 6th paragraph.

Re claim 9: Demar et al discloses the device (10) comprising a video display (32), said processor configured to display said object in a rotating mode **(see col.6, lines 24-27)** and in a stopped mode to position an element to display said bonus prize **(see col.16, lines 44-47)**.

Re claim 17: Demar et al discloses a method for displaying a bonus award for a gaming device (10) of the type having a housing and a primary game display (12) **(see fig.1; col.5, lines 23-25)**, the method comprising: providing a computer processor configured to randomly select and display winning and losing outcomes as said display and designating at least one outcome as a bonus outcome **(see col.4, lines 63-67 and col.5, lines 1-6)**; providing a bonus selection apparatus including a depiction of a three-dimensional object having a plurality of surface elements **(see col.5, lines 43-48)**, each of said elements configured to present a display (32) of a bonus award; said processor controlling said bonus apparatus to depict said object moving to select and display a surface element and the bonus award thereof **(see col.6, lines 24-29) It is apparent to examiner that said processor can be processed using the processor to depict any object depending on what kind of invention is made**; and issuing the displayed bonus award **(see col.16, lines 44-46) It is apparent to examiner that there has to be a means for bonus awards to be issued out to the winner so has to make the game worth playing**.

Re claim 18: Demar et al discloses a method for displaying a bonus award for a gaming device (10) of the type having a housing and a primary game display (12) **(see fig.1; col.5, lines 23-25)**, the method comprising: providing a computer processor configured to randomly select a bonus apparatus-triggering condition **(see col.4, lines 18-19; col.4, lines 63-67; and col.5, lines 1-6) It is apparent to examiner that for a triggering event in the base game to trigger a bonus game, there has to be a computer processor responsible for randomly selecting the bonus game triggering condition**; providing a bonus selection apparatus including a depiction of a three-dimensional object having a plurality of surface elements **(see col.5, lines 43-48)**, each of said elements configured to present a display (32) of a bonus award; said processor controlling said bonus apparatus to depict said object moving to select and display a surface element and the bonus award thereof **(see col.6, lines 24-29) It is apparent to examiner that said processor can be processed using the processor to depict any object depending on what kind of invention is made**; and issuing the displayed bonus award **(see col.16, lines 44-46) It is apparent to examiner that there has to be a means for bonus awards to be issued out to the winner so has to make the game worth playing**.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill

in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

10. Claims 2-7 and 10-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Demar et al (US 6,203,429) in view of Adams (US 6,089,978). The teachings of Demar et al have been discussed above.

Re claims 2-5: Demar et al teaches a device comprising a bonus selection apparatus.

However, Demar et al fails to teach the device comprising said bonus selection apparatus such as a three-dimensional object or two-dimensional object such as a wheel, including said surface elements, a driver for rotation of said object about at least one axis to position an element for selection of said bonus award and said processor configured to control said driver for selection of said bonus award; the device comprising said object is a sphere to simulate a ball; the device comprising said object is a wheel or disc apparatus; the device comprising said object is an ellipsoid to simulate a football.

Adams teaches the device comprising said bonus selection apparatus such as a three-dimensional object or two-dimensional object such as a wheel, including said surface elements, a driver / *drive mechanism* for rotation of said object about at least one axis to position an element for selection of said bonus award and said processor configured to control said driver for selection of said bonus award **(see col.2, lines 39-42)** the device comprising said object is a sphere to simulate a ball **(see col.3, lines 21-25)**; the device comprising said object is a wheel or disc apparatus; the device comprising said object is an ellipsoid to simulate a football **(see col.3, lines 15-19)**.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to include a wheel device and a driver for rotating the wheel device at the

bonus selection so as to provide the game player with various options which can be displayed on the rotating wheel, and also to provide a sense of realism to the game; and to include a simulation of ball so has introduce variety into the game, hence increasing player enjoyment of the game. **It is obviously apparent to the Examiner that in the simulation of a bowling game, there has to be simulation of a ball, since a bowling game requires using a ball**. It is also obvious to examiner that the said wheel can be an ellipsoid.

Re claims 6 and 7: Demar et al teaches a device comprising a bonus selection apparatus.

However, Demar et al fails to teach the device comprising each surface element includes a display of a bonus prize or prizes, means for positioning an element in a position to define the bonus to be awarded and means for displaying said element at said bonus defining position; the device comprising a plurality of said elements having reflective or planar surfaces.

Adams teaches the device comprising each surface element includes a display of a bonus prize or prizes, means for positioning an element in a position to define the bonus to be awarded and means for displaying said element at said bonus defining position **(see col.5, lines 51-62)**; the device (200) comprising a plurality of said elements having reflective or planar surfaces (250) **(see fig.3)**.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to include means for positioning an element in a position to define the bonus to be awarded and means for displaying said elements at said bonus defining positions so as to make the bonus selection useful, since for bonus selection and bonus award there has to be a way to determine what is awarded, selected, and what the game player might expect to win thereby

increasing the game player's interest in the game; also to include the device comprising a plurality of said elements having planar surface, so as to provide easy display of the various bonus amounts. **Claim 6 invokes 35 USC 112 6th paragraph**.

Re claims 10-12: Demar et al teaches the device comprising a multiple number of three-dimensional objects; a multiple number of wheels or discs; a combination of wheels, discs and 3-dimensional objects, in any number **(see col.4, lines 57-60)**.

Re claim 13: Demar et al teaches the device with said processor configured to award multiple bonus awards to the player **(see col.19, lines 21-31)**.

11. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Demar et al (US 6,203,429) in view of Adams (US 6,089,978) and further in view of Miller et al (US 2002/0065126). The teachings of Demar et al and Adams have been discussed above.

Re claim 8: Demar et al teaches a device comprising a bonus selection apparatus and display.

However, Demar et al to teach the device comprising a plurality of said elements having reflective or planar surfaces, projection means for projecting a display of a bonus amount to a reflective element positioned to reflect said projected bonus amount for viewing.

Miller et al teaches the device comprising a plurality of said elements having reflective or planar surfaces, projection means for projecting a display of a bonus amount to a reflective

element positioned to reflect said projected bonus amount for viewing **(see par. [0098], lines 16-55)**.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to include the device comprising a plurality of said elements having reflective or planar surfaces, projection means for projecting a display of a bonus amount to a reflective element positioned to reflect said projected bonus amount for viewing so as to provide a variety and a different form of displaying the bonus amount, hence increasing the player's interest and excitement in the game.

12. Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Demar et al (US 6,203,429) in view of Adams (US 6,089,978) and further in view of Mangano et al (US 6,059,658). The teachings of Demar et al and Adams have been discussed above.

Re claims 14 and 15: Demar et al teaches a device comprising a bonus selection apparatus and display.

However, Demar et al fails to teach the device comprising an outer ring configured to display one component of a bonus award and an inner display to display another component for the bonus; the device comprising said inner display is mounted for rotation relative to the outer ring.

Mangano et al teaches the device comprising outer ring */wheel* configured to display one component of a bonus award and inner display to display another component for the bonus **(see fig.7; col.9, lines 1-17)**; the device comprising said inner display is mounted for rotation relative to the outer ring */wheel* **(see fig.4; col.3, lines 33-42)**.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to include in the device outer ring and inner ring configured to display separate components of the bonus game so as to provide for a large bonus jackpot for certain bonus game outcome combinations and furthermore to contribute to the excitement and attraction of the game players as well as bystanders watching the game; it is also obvious to include in the device, the different displays mounted for rotation relative to one another so as to allow independent movements of the different displays.

13. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Demar et al (US 6,203,429) in view of Adams (US 6,089,978) and further in view of Olsen (US 6,146,273). The teachings of Demar et al and Adams have been discussed above.

Re claim 16: Demar et al teaches a device comprising a bonus selection apparatus and display.

However, Demar et al fails to teach the device comprising said surface elements include a plurality of door panels each controlled to open and close to reveal a bonus award.

Olsen teaches the device comprising said surface elements include a plurality of door panels (1310) each controlled to open and close to reveal a bonus award (1320) **(see fig.13; col.24, lines 4-8)**.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to include in the device, surface elements including a plurality of door panels each controlled to open and close to reveal a bonus award so as to create a heightened and

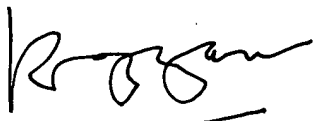
accelerating frenzy effect as players anticipate their awards being revealed, thereby increasing game players and bystanders interest in the game.

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Mastera et al discloses a gaming machine having secondary display for providing video content; Manship et al discloses a video gaming machine.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adetokunbo O. Torimiro whose telephone number is (571) 270--1345. The examiner can normally be reached on Mon-Fri (8am - 4pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



KIM NGUYEN
PRIMARY EXAMINER